

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

FERMAN WAYNE SIMS, II,	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO.4:07-CV-562-Y
	§	
NATHANIEL QUARTERMAN,	§	
Director, T.D.C.J.	§	
Correctional Institutions Div.,	§	
Respondent.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Ferman Wayne Sims II under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on November 19, 2008; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on January 5, 2009.

The Court, after **de novo** review, concludes that Petitioner's objections must be overruled, and that the petition for writ of habeas corpus should be denied for the reasons stated in the magistrate judge's findings and conclusions.

Accompanying his objections, Sims also submitted a Motion to Have Attorney View and Record State's Exhibits 18 and 19. Such motion is an effort to seek discovery of videotapes at issue in his case. But Rule 6 of the Rules Governing Section 2254 Cases in the United States District Courts requires that a party show good cause

before discovery is authorized.¹ Sims has not shown good cause.
The motion will be denied.

Therefore, the findings, conclusions, and recommendation of
the magistrate judge are ADOPTED.

Sims's motion to have attorney view and record State's
exhibits 18 and 19 [docket no. 19] is DENIED.

Sims's petition for writ of habeas corpus is DENIED.

SIGNED January 12, 2009.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

¹"A judge may, for good cause shown, authorize a party to conduct discovery under the Federal Rules of Civil Procedure and may limit the extent of discovery." RULE 6(a), RULES GOVERNING SECTION 2254 CASES.